

### REMARKS

In the Office action of May 16, 2003, claims 1, 3-7, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Willis et al. (U.S. Patent No. 5,997,503) in view of Mikhail et al. (U.S. Patent No. 6,050,934).

Also, claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Willis in view of Osbourne et al. (U.S. Patent Publication No. 0049501) or Copenhaver et al. (U.S. Patent No. 5,720,734).

Claims 23-27 were allowed in the Office Action of May 16, 2003.

As amended, Applicants respectfully submit that independent claim ~~1~~ defines over the combination of Willis in view of Mikhail. Respectfully, the cited references do not disclose a valve assembly that has a valve member formed at least in part by a material having a durometer of less than about 10 Shore. Support for this amendment can be found on at least lines 20-22 of page 2 and lines 6-13 of page 9 of Applicants' application.

Mikhail teaches that the valve membrane 38 may be made of a material that has a durometer value of about 12 to about 95 Shore (see Mikhail at column 9, lines 24-28). Mikhail fails to disclose a valve member that is formed at least in part by a material that has a durometer of less than about 10 Shore. One skilled in the art would not be motivated by the teachings of Mikhail to design a valve member that is formed at least in part by a material having a durometer of less than about 10 Shore because Mikhail specifically teaches towards a valve membrane 38 having a durometer value in the range of from about 12 to about 95 Shore. It would not have been obvious to one

skilled in the art to go outside of the range disclosed in Mikhail because Mikhail further discloses that more preferred durometer values are between about 26 to about 60 Shore, about 35 to about 45 Shore, and most preferably about 40 Shore (see Mikhail at column 9, lines 28-30). As such, Mikhail teaches towards durometer values that are within the range of from about 12 to about 95 Shore, and specifically teaches that preferred values are at the higher end of the range. Consequently, Mikhail teaches against durometer values that are outside of the range of about 12 to about 95 Shore, and especially against values less than the lowest range limit. In considering the reference in its entirety, Mikhail does not suggest to one of ordinary skill in the art a Shore value of 10, but rather Shore values within the higher preferred ranges of 26-60.

Applicants have discovered an unexpected result in providing for a valve assembly with a valve member formed at least in part by a material having a durometer of less than about 10 Shore. Employment of such a valve member provides for an improved seal and greater seal flexibility without sacrificing the structural integrity of the valve member (see Applicants' application at page 9, line 6-13). Mikhail does not disclose a range of durometer values less than about 10, and in fact motivates one skilled in the art towards durometer values (40) that are much higher than the lower limit of the disclosed range of about 12 to about 95 Shore.

As such, Applicants respectfully submit that independent claim 1 defines over the combination of Mikhail and Willis and is in condition for allowance. Further, all claims that depend directly from independent claim 1 (claims 2-5) are also in condition for allowance. Their rejections being made moot due to the allowance of independent claim 1.

Independent claim 6 has been amended to call for a valve member that is formed at least in part by a material having a durometer of less than about 10 Shore.


Applicants submit that independent claim 6 defines over the combination of Willis and Mikhail for essentially the same reasons as discussed above with respect to independent claim 1. As such, Applicants submit that independent claim 6 is in condition for allowance and that claims 7 and 28, which depend from independent claim 6, are also in condition for allowance. Their rejections being made moot due to the allowance of independent claim 6.

With the present amendment, Applicants submit that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested.

The Examiner is encouraged to contact the undersigned in order to resolve any remaining issues.

Respectfully submitted,

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